

REMARKS

This Amendment is submitted in response to the Office Action dated November 1, 2004, having a shortened statutory period set to expire February 1, 2005. Claims 1-30, 32-62, 64-87 and 96, 97, 99-102 are pending. Applicants have amended Claims 16, 28, 48, 60, 73, 82, 85, 89, 96 and 101, and canceled Claim 87-95, 98. No new matter has been entered by these amendments.

Claim Rejections – 35 U.S.C. § 112

In section 4 of the present Office Action, Claim 82 has been rejected under 35 U.S.C. §112, second paragraph. Applicants have amended Claim 82 and believe that such amendment overcomes this rejection of Claim 82 under §112.

Claim Rejections – 35 U.S.C. § 102

In section 5(d) of the present Office Action, Claims 89 and 96, are rejected under 35 U.S.C. §102(a) and (e). In the present amendment, Claim 89 has been canceled and Claim 96 has been amended to incorporate the limitation of Claim 98. Consequently, Applicants believe that the claim rejections under §102 no longer apply and should be withdrawn.

Claim Rejections -- 35 U.S.C. §103

In section 7 of the present Office Action, Claims 91-93, 95 and 97-99 have been rejected under 35 U.S.C. §103(a), as being unpatentable over *Del Giorno* (U.S. Patent No. 5,899,502) as applied to Claims 89 and 96, and further in view of *Neuhaus*, (U.S. Patent No. 5,832,466). Similarly, amended and newly-independent Claims 16, 48 and 73 in the present application have been similarly rejected. Those rejections are respectfully traversed and reconsideration of the claims is requested.

In the present amendment, Claims 91-93 and 95 have been canceled. Claim 96 has been amended to incorporate the limitation of Claim 98, and Claims 97, 99 are dependent upon Claim 96. The newly added limitation of Claim 96 recites:

"filtering said plurality of electronic recipes...according to kitchen equipment accessible at said particular household"

It is argued in sections 7(b) and 14(b) of the present Office Action that *Neuhaus* teaches this feature of the present invention. Applicants have reviewed *Neuhaus* in detail and find no disclosure or suggestion of the above cited limitation of Claim 96 in the present application. In particular, the Examiner had cited the teachings of *Neuhaus*, at least the abstract: col. 2, lines 34-57; col. 3, lines 4-35; col. 5, lines 45-47; col. 6, lines 62-66. As *Neuhaus* explains at col. 6, lines 38-51, a screen (as shown in Figure 10) for displaying the equipment necessary in the preparation of a meal is shown to the user. The user clicks radio buttons associated with each step of the recipe preparation and "only the equipment needed for that particular step" is displayed. While such information is informative to a chef preparing a recipe, such information will not help if the chef is in the middle of preparation and realizes equipment necessary for the preparation of the dish is not accessible at the chef's particular household. *Neuhaus* nowhere provides a mechanism for preventing such a mishap, nor does *Neuhaus* make any suggestion of providing a capability for customizing a recipe to account for kitchen equipment accessible for a particular household. *Neuhaus* merely assumes that all equipment necessary will be available when needed.

More particularly, nothing within *Neuhaus* shows or suggests a number of elements of independent Claim 96, including "*filtering said plurality of electronic recipes...according to kitchen equipment accessible at said particular household*" in order to present to the user "*only a selection of said plurality of electronic recipes that are preparable according to said specifications for said particular household and according to kitchen equipment accessible at said particular household are accessible at said electronic cookbook controller.*" Consequently, Applicants respectfully submit that *Del Giorno* in view of *Neuhaus* do not show or suggest the present invention as claimed in independent Claim 96, and similarly dependent Claims 97, 99-101, and that the rejection of those claims under §103 should be withdrawn.

With respect to independent Claim 102, therein is recited the step of *inter alia*:

"adding events to a schedule according to a selection from among said filter plurality of recipes"

In section 10 of the present Office Action, Claims 100 and 102 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Del Giorno* as applied to Claim 96 and further in

view of *Halverson* (U.S. Patent No. 6,301,564). That rejection is respectfully traversed and reconsideration of the claims is requested.

Claim 100 is dependent upon Claim 96 and is believed to be patentable over *Del Giorgio* in view of *Halverson* for the reasons given above. With respect to Claim 102, while it is argued in section 10(a) of the present Office Action that *Halverson* teaches using menu planning to organize and "schedule" events, *Halverson* nowhere makes any reference to scheduling. The abstract in col. 1, lines 25-50 are cited as disclosing these elements, but a thorough review of the entire reference fails to find a single reference to the words "schedule" or "scheduling". *Halverson* cannot show or suggest Claim 102, as the reference is completely devoid of any suggestion of the use of menu planning to schedule an event. Moreover, a combination of *Halverson* with *Del Giorgio* is also lacking in any such suggestion. Consequently, Applicants respectfully request reconsideration of the rejection of Claims 100 and 102 for the reasons given above and submit that such rejection should be withdrawn.

In section 12(e) of the present Office Action, Claims 1, 10, 13, 14, 18, 33, 42, 45, 46, 50, 65, 67, 70, 71 and 75 have been rejected under 35 U.S.C. §103(a), as being unpatentable over *Del Giorgio* in view of *Howard, et al.* (U.S. Patent No. 5,899,502). In section 14 of the present Office Action, Claims 2, 5, 15-17, 20, 22, 23, 34, 37, 47-49, 52, 54, 55, 66, 72-74, 77, 79 and 80 have been rejected under 35 U.S.C. §103(a), as being unpatentable over *Del Giorgio* as in view of *Howard* as applied to Claims 1, 33 and 65 above, and further in view of *Neuhaus*. Further, in section 15, Claims 3, 4, 6-9, 35, 36, and 38-41 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Del Giorgio* in view of *Howard*, as applied to Claims 1 and 33 above, and further in view of *Diaz, et al.* (U.S. Patent No. 5,890,128). Still further, in section 16 of the present Office Action, Claims 11, 12, 21, 26, 27, 32, 43, 44, 53, 58, 59, 64, 68, 69, 78, 83 and 84 have been rejected under 35 U.S.C. §103(a), as being unpatentable over *Del Giorgio* in view of *Howard*, as applied to Claims 1, 33 and 65 above, and further in view of *Ecer*, (U.S. Patent No. 5,412,564). Still further, at section 17 of the present Office Action, Claims 19, 28-30, 51, 60-62, 76 and 85-87 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Del Giorgio* in view of *Howard*, as applied to Claims 1, 33 and 65 above, and further in view of *Halverson*. Still even further, at section 18 of the present Office Action, Claims 24, 25, 56, 57, 81 and 82 have been rejected under 35 U.S.C. §103(a) as being unpatentable over *Del Giorgio* in view of

Howard, as applied to Claims 1, 33 and 65 above, and further in view of *Szabo* (U.S. Patent No. 5,954,640). Those rejections are respectfully traversed and reconsideration of the Claims is requested.

The Examiner's new grounds of rejection cite *Howard, et al.* as teaching the instantly claimed "updating a kitchen budget according to cost of cooking related supplies utilized for said meal plan selections in response to receiving a meal plan selection." However, exemplary Claim 1 in the present application cites, *inter alia*:

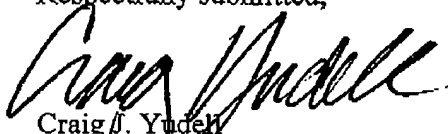
"in response to receiving a meal plan selection from among said at least one meal plan, updating a kitchen budget according to cost of cooking related supplies utilized for said meal plan selection" (emphasis added)

A search of *Howard* uncovers but a single reference to a "budget" at col. 5, lines 62-65. There, *Howard* indicates that the grocery replenishment list may be compared with a budget so "further modifications are allowed." It's clear, none of the budgetary considerations taught by *Howard* relate in any manner to a selected recipe from recipe book 30. In particular, the present invention requires that such updating of a budget is performed "according to cost of cooking related supplies utilized for said meal plan selection." Using a budget to modify a shopping list for replenishing kitchen supplies appears to have NO nexus with a "meal plan selection" based on the teaching of *Howard*. More particularly, the present invention requires such budgeting occur "in response to receiving a meal plan selection from among said at least one meal plan." *Howard* does not show or suggest such a process.

Moreover, a combination of *Howard* with the teaching of *Del Giorno* still lacks the requisite suggestion or motivation. The budgetary constraints taught by *Howard* suggest a constraint or modification of stocking supplies for a kitchen, not a change or reflection upon a meal plan selected. The present invention recognizes the advantages of presenting meal plans that are within a user's budget at the point that the user is selecting the meal. The prior art suggests that budgetary considerations should be made at the grocery store when replenishing general supplies for the home, without consideration or "in response" to a selected meal plan. Such a teaching fails to show or suggest the present invention.

Applicants respectfully request reconsideration of the rejection of exemplary independent Claim 1 in the present application for the reasons given above. For the same reasons, Applicants also respectfully request reconsideration of the rejection of Claims 2-30, 32-62 and 64-87 as well.

Respectfully submitted,



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